



## H.R. 5781 – Federal Employees Paid Parental Leave Act of 2008

### EXECUTIVE SUMMARY

H.R. 5781 is expected to be considered on the House floor under a structured rule on June 18, 2008. The bill was reported by the Committee on Oversight and Government Reform by a vote of 21 to 10 on May 8, 2008.

The Family and Medical Leave Act was enacted by Congress in 1993 and allows employees who have worked for eligible employers for 12 months to take twelve weeks of unpaid leave for the birth, adoption, or fostering of a child or to care for their own or an immediate family member's serious health condition.

H.R. 5781 provides Federal employees with four weeks of paid parental leave under FMLA for the birth, adoption, or fostering of a child. It also gives the Office of Personnel Management the option to increase the amount of paid parental leave to eight weeks. The Congressional Budget Office estimates that enacting H.R. 5781 would cost \$60 million in fiscal year 2009 and \$850 million over five years.

The Administration has issued a veto threat for the bill because "H.R. 5781 would provide Federal employees with a new entitlement to four weeks of paid leave (in addition to employees' accrued annual or sick leave) in connection with the birth or adoption of a child. H.R. 5781 would significantly increase costs for agencies to fund the new entitlement."

### FLOOR SITUATION

H.R. 5781 is being considered on the House floor under a structured rule:

- Provides one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Oversight and Government Reform.
- Waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI.
- Provides that the amendment in the nature of a substitute recommended by the Committee on Oversight and Government Reform shall be considered as adopted and the bill, as amended, shall be considered as read.
- Waives all points of order against provisions of the bill, as amended. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure).
- Provides that the amendment printed in the Rules Committee report shall be in order if offered by Rep. Davis of Illinois or his designee.
- Provides that the amendment made in order shall be considered as read and shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent.
- Waives all points of order against the amendment printed in the report except for those arising under clause 9 or 10 or rule XXI.
- Provides one motion to recommit with or without instructions.



# LEGISLATIVE DIGEST

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This legislation was introduced by Representatives Carolyn Maloney (D-NY) on April 14, 2008. The bill was reported from the House Committee on Oversight and Government Reform by a vote of 21 to 10 on May 8, 2008.

H.R. 5781 is expected to be considered on the House floor on June 18, 2008.

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## BACKGROUND

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In 1993, Congress enacted the Family and Medical Leave Act (P.L. 103-3, FMLA) which entitles eligible employees at certain employers to a minimum of twelve weeks of leave without pay during a twelve month period. Individuals can take FMLA leave for the birth, adoption, or fostering of a child, to care for an immediate family member with a serious health condition, or to care for their own serious health condition. FMLA leave does not have to be taken in consecutive weeks.

Currently, a Federal employee who has worked for the federal government for 12 months is entitled to twelve weeks of FMLA unpaid leave. If employees want to be paid for time they take off, they may substitute paid vacation and sick leave for time taken off under FMLA.

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## SUMMARY

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H.R. 5781 provides Federal employees with four weeks of paid parental leave under FMLA for the birth, adoption, or fostering of a child. The bill also allows the Director of the Office of Personnel Management (OPM) to increase the amount of paid parental leave available to employees to up to eight weeks.

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## AMENDMENTS

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- 1) Representative Danny Davis (D-IL): (REVISED) Would make certain technical and conforming changes to the bill, would strike a requirement for a study by the General Accountability Office, and would make section 4 not effective with respect to births or placements occurring within 6 months of the enactment of the Act.

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## COST

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According to the Congressional Budget Office, "CBO estimates that implementing H.R. 5781 would cost \$60 million in 2009, \$190 million in 2010, and a total of \$850 million over the 2009-2013 period, subject to the appropriation of the necessary funds. Enacting H.R. 5781 would not affect direct spending or receipts." ([CBO Cost Estimate](#))

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## ADDITIONAL VIEWS

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According to the Statement of Administration Policy, **which contains a veto threat**, "the Administration strongly opposes House passage of H.R. 5781 because it would provide a costly, unnecessary, new paid leave entitlement. H.R. 5781 would provide Federal employees with a new entitlement to four weeks of paid leave (in addition to employees' accrued annual or sick leave) in connection with the birth or adoption of a child. H.R. 5781 would significantly increase costs for agencies to fund the new entitlement. Therefore, if H.R. 5781 were presented to the President, his senior advisors would recommend that he veto the bill."

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## STAFF CONTACT

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